

PATENT COOPERATION TREATY

PCT

10/553480

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 54395	FOR FURTHER ACTION	See item 4 below
International application No. PCT/EP2004/002356	International filing date (<i>day/month/year</i>) 08 March 2004 (08.03.2004)	Priority date (<i>day/month/year</i>) 15 April 2003 (15.04.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant HEINRICH HEILAND GMBH		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 9 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input checked="" type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

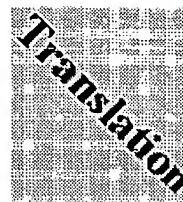
<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 740 14 35</p>	<p>Date of issuance of this report 02 March 2006 (02.03.2006)</p> <p>Authorized officer Agnes Wittmann-Regis</p> <p>Telephone No. +41 22 338 89 70</p>
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

<p>Date of mailing (day/month/year)</p>		
<p>Applicant's or agent's file reference 54395</p>	<p>FOR FURTHER ACTION See paragraph 2 below</p>	
<p>International application No. PCT/EP2004/002356</p>	<p>International filing date (day/month/year) 08.03.2004</p>	<p>Priority date (day/month/year) 15.04.2003</p>
<p>International Patent Classification (IPC) or both national classification and IPC</p>		
<p>Applicant HEINRICH HEILAND GMBH</p>		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input checked="" type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA/EP</p>	<p>Authorized officer</p>
<p>Facsimile No.</p>	<p>Telephone No.</p>

WRITTEN OPINION OF THE
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Box No. I	Basis of this opinion
1.	<p>With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).</p>
2.	<p>With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p>
3.	<p><input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p>
4.	<p>Additional comments:</p>

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Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement															
1. Statement	<table><tr><td rowspan="2">Novelty (N)</td><td>Claims 1-20</td><td>YES</td></tr><tr><td>Claims</td><td>NO</td></tr><tr><td rowspan="2">Inventive step (IS)</td><td>Claims 1-20</td><td>YES</td></tr><tr><td>Claims</td><td>NO</td></tr><tr><td rowspan="2">Industrial applicability (IA)</td><td>Claims 1-20</td><td>YES</td></tr><tr><td>Claims</td><td>NO</td></tr></table>	Novelty (N)	Claims 1-20	YES	Claims	NO	Inventive step (IS)	Claims 1-20	YES	Claims	NO	Industrial applicability (IA)	Claims 1-20	YES	Claims	NO
Novelty (N)	Claims 1-20		YES													
	Claims	NO														
Inventive step (IS)	Claims 1-20	YES														
	Claims	NO														
Industrial applicability (IA)	Claims 1-20	YES														
	Claims	NO														
2. Citations and explanations:	<p>Reference is made to the following citations:</p> <p>D1: US-B-6 550 8441 (SANTIAGO CAROLYN T) 22 April 2003 (2003-04-22)</p> <p>D2: FR-A-2 672 261 (CANONERO ROGER) 7 August 1992 (1992-08-07)</p> <p>D3: CA-A-1 200 574 (SIMARD HECTOR) 11 February 1986 (1986-02-11)</p> <p>D4: WO 91/05674 A (BARROW TERENCE MICHAEL; GRIFFITHS PAUL EDGAR (GB)) 2 May 1991 (1991-05-02)</p> <p>D5: US-B-6 491 3351 (COHILL JERRY) 10 December 2002 (2002-12-10)</p> <p>In the following we presume that the priority indicated by the applicant is valid and accordingly that D1 is not relevant to the examination proceedings.</p> <p><u>V.2.1. Independent Claim 1</u></p> <p><u>V.2.1.1 Novelty</u></p> <p>D2, which is considered the closest prior art, discloses in figures 1-3:</p> <p>- A protective cap for motor vehicle parts which is adapted to the shape of individual parts of the object to be protected and whose edges are held by the object to be protected.</p> <p>The subject matter of the present claim 1 differs therefrom in that</p> <p>- an entrance protector is provided</p>															

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

that has at least one entrance protector clip,
which at least partly covers the side skirt or a
side rail and whose free end facing the interior
demonstrates at least one holding element, which
engages a protective strip or cover strip arranged
on the side skirt or side rail.

The subject matter of the present claim 1 appears therefore to
satisfy the criteria laid down in PCT Article 33(2) because
the subject matter of the independent claim 1 is novel with
regard to the prior art paraphrased in the Regulations (PCT)
(PCT Rule 64.1 - 64.3).

V.2.1.2. Inventive Step

Proceeding from the stated prior art, the problem addressed by
the present invention appears to be further developing a
protective cap for motor vehicles according to the preamble of
independent claim 1 such that the skirt area is protected with
an entrance protector clip and at the same time the fastening
of said clip is fast and simple.

The solution according to claim 1 appears not to be suggested
by any of the citations from the overall prior art included in
the proceedings.

The subject matter of the present claim 1 therefore appears to
satisfy the criteria laid down in PCT Article 33(3) because
the subject matter of Claim 1 appears to involve an inventive
step (PCT Rule 65.1, 65.2).

V.2.2. Independent Claim 2

V.2.2.1 Novelty

D2, which is considered the closest prior art, discloses:

- A protective cap for motor vehicle parts
which is adapted to the shape of individual parts
of the object to be protected and whose edges are
held by the object to be protected.

The subject matter of the present claim 2 appears to differ
therefrom in that

- an entrance protector is provided
that has an entrance protector clip, which at
least partly covers the side skirt or side rail

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

and whose free end facing the interior
demonstrates at least one holding element, which
in the passenger compartment removably engages the
side skirt, the side rail or a zone adjacent to
the side skirt or side rail.

The subject matter of the present claim 2 appears therefore to satisfy the criteria laid down in PCT Article 33(2) because the subject matter of the independent claim 2 is novel with regard to the prior art paraphrased in the implementing regulations (PCT Rule 64.1 - 64.3).

V.2.2.2. Inventive Step

Proceeding from the stated prior art, the problem addressed by the present invention appears to be further developing a protective cap for motor vehicles according to the preamble of independent claim 2 such that the skirt area is protected with an entrance protector clip and at the same time the fastening of said clip is fast and simple.

The solution according to claim 2 appears not to be suggested by any of the citations from the overall prior art included in the proceedings.

The subject matter of the present claim 2 therefore appears to satisfy the criteria laid down in PCT Article 33(3) because the subject matter of Claim 2 appears to involve an inventive step (PCT Rule 65.1, 65.2).

V.2.3. Dependent Claims 3 -20

Dependent claims 3-20, whose subject matter is other embodiments of the invention according to claim(s) 1 and / or 2, appear likewise to satisfy the requirements of PCT Article 33(2) to (4).

V.2.4 Concerning the Description Part

The description does not cite D2 and the relevant prior art contained therein is not concisely outlined; thus the requirements of PCT Rule 5.1(a)(ii) are not satisfied.

V.2.5 Remarks of a General Nature and Recommendation for the Continuing Proceedings

Insofar as the applicant intends to establish more than one independent claim (claim 1 and 2), reference is made to the requirements of PCT Rule 13 (unity): "The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

concept."

A suitable test for the unity of multiple claims is included in Rules 13.2 and 13.3; in this connection see also the PCT Preliminary Examination Guidelines, chapter III, paragraph 7.

Changes (preferably handwritten) shall be submitted on complete **replacement pages** that can be inserted seamlessly into the unchanged pages and their page numbering (with supplemental pages, if required); **in this connection it is noted that the authority charged with the preliminary international examination is not authorized to make changes to submitted documents, even on request of the applicant.**

The applicant is hereby advised that the application may not be amended in such a way that its subject matter goes beyond the disclosure in the international application as filed (PCT 34(2)(b)).

In order to accelerate the examination proceedings the applicant is requested to indicate in his response which parts of the application as filed may serve as the basis for the amendment(s).

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Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
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2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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